

REMARKS

The above amendments are in response to the Office Action dated August 5, 2010. Claim 70 is pending and amended herewith. No new matter is added with the amendment.

I. Interview

Applicants thank Examiner Fernandez and Supervisory Examiner Ford for the courtesy of a telephonic interview on December 29, 2010. The amendment submitted herewith is in line with what was discussed during the interview.

II. Claim Rejections – 35 USC § 112

Claim 70 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. According to the examiner, essential steps are omitted because it is not clear how monomers A, X, Y and Z are linked to each other. Additionally, the Examiner states at page 3, final paragraph, that the polymers on Figure 9 are listed as “from phenylalanine methylester” and “from tyrosine methyl ester” and asserts that the Z group should therefore be listed as “phenylalanine methyl ester “ (for RGTA 1112) and “tyrosine methyl ester “ (for RGTA 1113). Applicants respectfully traverse this rejection as it may be applicable to the amended claims.

In further response, applicants point out that claim 70 has been amended to recite how A, X, Y and Z are linked to each other. Additionally, applicants have amended claim 70 to add that the polymer of the invention must meet certain criteria in a specific *in vitro* assay. This assay is described in Example 13 and is the basis for data upon which the Examiner relies in acknowledging that the specific species, RTGA 1112 and RTGA 1113, are enabled. Thus, polymers that meet both the structural limitations in the claim and the functional limitation defined by the recited *in vitro* assay, are within the scope of amended claim 70.

With regard to "phenylalanine methylester and tyrosine methylester", Applicants acknowledge that these compounds are represented in Figure 9. However, applicants point out that Figure 9 describes the Z group as being "from" the phenylalanine methylester and "from" tyrosine methylester. Accordingly, these esters are intermediary compounds with the methyl group functioning as a protecting group. Applicants assert that phenylalanine and tyrosine are also within the scope of the present invention and note at page 8, last line to page 9, first two lines, that the specification describes the Z group as being "amino acids". Applicants argue that this description supports the inclusion of phenylalanine and tyrosine and again point out that any polymer within the scope of the invention also must satisfy a specific *in vitro* assay test.

In view of the above amendment and explanations, applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 USC § 112.

CONCLUSION

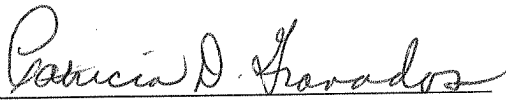
Applicants again thank Examiner Fernandez and Supervisory Examiner Ford for the courtesy of a telephonic interview on December 29, 2010.

In view of the above amendment and arguments, applicants believe this application is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Applicants believe no further fees are due with this response. In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 (referencing docket number 021305.00319) from which the undersigned is authorized to draw.

Dated: January 11, 2011

Respectfully submitted,

By 

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